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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,294	08/29/2001	Albert E. Johnstone III	8041-PA01CP	8197
27111	7590	12/29/2004	EXAMINER	
GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101			GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### ***Response to Amendment***

The reply filed on 7/26/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It appears that the status identifier for claim 5 is incorrect according to the revised amendment practice: 37 CFR 1.121. The current status of all claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a correct parenthetical expression following the claim number *using only one of the following seven status identifiers*: (original), (*currently amended*), (canceled), (withdrawn), (new), (previously presented) and (not entered). It appears that the claim has been amended, but it is unclear whether the claim is actually currently amended, or if this is supposed to be the original claim. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

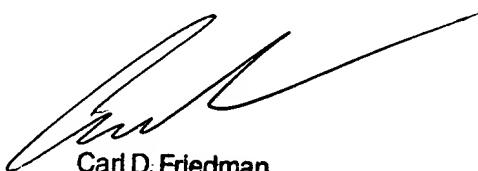
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cl  
Cg  
December 22, 2004



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600